

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES FRANKLIN O'NEAL,

Petitioner,

v.

PAUL STOWITZKY, et al.,

Respondents.

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Civil Action No. 07-1203


O R D E R

AND NOW, this 30<sup>th</sup> day of Oct 2007, after a petition for a writ of habeas

corpus was filed by the petitioner, James Franklin O'Neal, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the parties were granted ten days after being served with a copy to file written objections thereto, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petition of James Franklin O'Neal for a writ of habeas corpus is dismissed, and that a certificate of appealability is denied, because there is no viable constitutional issue upon which a reasonable jurist could conclude that there is a basis for appeal.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.

  
United States District Judge